



Agenda Date: 02/07/07  
Agenda Item: IVA-4

**Board of Public Utilities  
Of New Jersey  
Two Gateway Center  
Newark, NJ 07102  
www.bpu.state.nj.us**

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT APPLICATION OF )  
VERIZON NEW JERSEY INC. AND KMC DATA, LLC )  
FOR APPROVAL OF AN INTERCONNECTION )  
AGREEMENT UNDER SECTION 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996

ORDER APPROVING  
AGREEMENT

DOCKET NO. TO06080591

(SERVICE LIST ATTACHED)

**BY THE BOARD**

By letter dated August 10, 2006, Verizon New Jersey Inc. ("Verizon"), a New Jersey corporation, and KMC Data, LLC ("KMC Data") (individually, "a Party", and jointly, "the Parties"), pursuant to Section 252(e) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §151 et seq.) ("the Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a certain negotiated interconnection agreement dated June 14, 2006 ("the Agreement").

The Agreement sets forth the terms, conditions, and prices under which Verizon will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to KMC Data. The Agreement is in effect until June 13, 2008 and thereafter, as noted in the Agreement, continues in full force and effect unless terminated as provided in the Agreement.

DISCUSSION

Pursuant to 47 U.S.C. §252(a)(1), an incumbent LEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements. In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement or any portion thereof only if it finds that: (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion thereof is not consistent with the public interest, convenience, and necessity. [47 U.S.C. §252(e)(2)(A)].

The Board's review of the Agreement and the record in this matter indicate that the Agreement is consistent with the public interest, convenience, and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board **FINDS** that the Agreement meets the standards set forth in the Act, and **HEREBY**

**APPROVES** the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement, nor shall the Board be bound by any provisions within the Agreement regarding the confidentiality of information.

The Board notes that amendments or modifications to Board-approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

DATED: 2/7/07

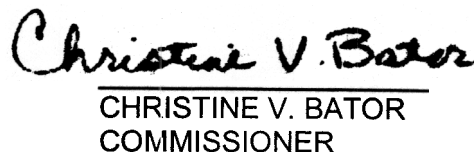
BOARD OF PUBLIC UTILITIES  
BY:


  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

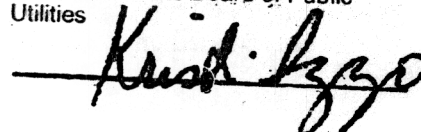
  
CONNIE O. HUGHES  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
CHRISTINE V. BATOR  
COMMISSIONER

ATTEST:  
  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



Service List

Docket No. TO06080591

Bruce D. Cohen  
Vice President, General Counsel  
Legal Department  
Verizon New Jersey  
540 Broad Street, 20<sup>th</sup> Floor  
Newark, NJ 07102

James M. Corcoran  
Jimarli Figueiredo  
Board of Public Utilities  
Division of Telecommunications  
Two Gateway Center  
Newark, NJ 07102

Seema M. Singh, Acting Ratepayer Advocate  
Christopher White, Esq.  
Maria Novas-Ruiz, Esq.  
Division of Ratepayer Advocate  
31 Clinton Street, 11th Floor  
P.O. Box 46005  
Newark, NJ 07101

Elise Goldblat, D.A.G.  
Arlene Pasko, D.A.G.  
Department of Law & Public Safety  
124 Halsey Street, 5th Floor  
Newark, NJ 07102

Brian Murdoch  
KMC Data, LLC  
5300 Oakbrook Parkway  
Norcross, GA 30093